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Town of Danville  
Board of Selectmen  
Monday, January 25, 2021  
7:00 PM

7:15 PM

Meeting is Video-Recorded

Selectmen Present: Shawn O'Neil, Chair; Steve Woitkun, Vice Chair; Sheila Johannesen, Dottie Billbrough, and Joshua Horns

Others Present: Kimberly Burnham, Selectmen Administrator; Barry Hantman, Town Moderator; Roger Whitehouse, Cable Committee member; Carsten Springer, Chair, Conservation Commission; James Seaver, Road Agent

Shawn called the meeting to order at 7:15PM and opened the meeting with a moment of silence for the troops who put themselves in harm's way. All stood for the Pledge of Allegiance

**I. Delegates**

Shawn asks if there are any members of the public not on the agenda who wish to address the BOS.

**ZOOM IT Support:** Roger Whitehouse, Cable Committee member, notes that he sent an e-mail to the BOS offering to provide IT support if the Town chose to move forward with setting up a ZOOM account and program as a contingency meeting plan. Shawn states that he appreciates Mr. Whitehouse's offer. He explains there are various boards and committees meeting all the time and Mr. Whitehouse would be a "one man army" providing that level of IT support. Shawn expresses his concern with having only a "single source" of IT support for all the meetings and questions what would happen if he (Mr. Whitehouse) were not available. Shawn notes his opinion that such support needs to be at a department level with redundancies provided. Shawn reiterates his concerns from previous meetings of needing to ensure there is tech support for the links to live meetings because if those issues cannot be resolved, the meeting must end. He also reiterates his concerns that if everything is "not in play correctly" he fears the courts could nullify all the decisions and the ramifications of those decisions made at those meetings.

Mr. Whitehouse notes that in Mr. Hantman's recommendations, it was explained that if a technical issue occurred in a meeting member's home or in a participant's home, there are no legal issues. Shawn gives an example of a School Board meeting where a member's bandwidth decreased to the point that his audio communication could not be heard completely. Shawn also notes resolving such issues depend on the skill level of those users. Shawn emphasizes that he is trying to be realistic. Mr. Whitehouse agrees. Shawn reiterates his opinion that it is hard to provide that kind of IT support with just one person, noting he "fears a single point of failure", and that this is why he feels such support needs to be provided at a department level, and this is why virtual meetings work much better with larger organizations. Mr. Whitehouse reiterates that he just wanted to put his offer out there for consideration. Shawn again expresses his appreciation for the offer and notes the BOS could develop a proposal and then the State could change the rules again. He reiterates his biggest concern is with maintaining the validity of decisions made during a virtual meeting through a court decision.

Mr. Whitehouse notes that when streaming a live virtual meeting, board members and participants' families must shut down all other Internet uses to ensure there is enough bandwidth for the meeting. That level of commitment from the users of the virtual meetings is outside the purview of IT support.

Joshua suggests that ZOOM meetings could be projected on the new screen in Town Hall; then live streamed through the existing camera system. That would result in only one link between the board members and the public. Mr. Whitehouse explains that if the public is calling in and they do not have a good connection the discussion would be compromised.

Mr. Hantman explains that if some members of the BOS continued to meet at the Town Hall, while others were remote, the NH RSA's are different from the rules that would apply if the entire BOS met virtually. He notes the Planning Board, BudCom, Heritage Commission and ZBA have done these "hybrid" meetings. Because the Town Hall is still available for the public to come and attend the meeting, the requirements are very different than if the board meetings were entirely virtual. He notes that the RSA's and the technology would be different in that case.

Joshua clarifies his suggestion would include having IT support at the Town Hall during the meeting while the BOS was on ZOOM. The public could also be present in Town Hall and come up to the meeting table to use the microphones to address the "virtual" BOS. This would ensure that the only point of technical failure would be at the Town Hall.

Mr. Hantman reiterates that if the BOS wanted to keep the Town Hall open and make that the place for the public to come, the meetings would fall under different rules and would use a different technology because there is still a central place for the public to come. Shawn expresses his concern if the entire BOS is virtual how that would affect quorum requirements.

Joshua notes the discussion brings the BOS back to the point that if the entire board is quarantined the only option is to cancel meetings. Shawn expresses his opinion that BOS meetings should still happen entirely at Town Hall. There is discussion among the BOS about quarantines and absences. Sheila notes the BOS decided at the last meeting they would simply postpone a meeting if there were issues with BOS members having to quarantine. Shawn notes that "two weeks won't shut the Town down" and the likelihood of all five members of the BOS having to quarantine at once are slim. Joshua expresses concern about the lack of a plan if the current situation becomes a permanent issue, noting the probability of such an event increases.

## **II. Old/New Business**

**Executive Order #83:** Mr. Hantman notes he emailed this information to the BOS, but will summarize it. Executive Order #83 was issued this week and allows the Towns and School districts to delay their Deliberative Sessions and the official ballot voting as far out as July 2021, if they choose to do so. The decision to change these dates is made by the Town BOS and/or the School Boards in conjunction with the Town Clerks and Town Moderators. Mr. Hantman notes that he spoke with Ms. Tracy (Town Clerk) and that she was open to whatever decision is made. Mr. Hantman also notes that rules regarding expiring terms in office and the budget are also listed in the Executive Order.

Mr. Hantman explains that due to the late notice, if the BOS wants to make any changes to the Town's Deliberative Session and ballot voting, they would need to do so immediately. The Deliberative Session is currently scheduled for February 6 and delaying it would require a fourteen (14) day notice. He suggests that if the BOS chooses to delay these dates that they do so as long as possible so that they will not be constantly moving the date. He suggests the Town hold the Deliberate Session in June and the ballot voting in July, noting that if COVID spread was still bad, the Town could hold the Deliberative Session outside.

Mr. Hantman notes that he does not know what will happen if the Town decides to delay the Deliberative Session and ballot voting, but the School District does not. Shawn notes there are no School District meetings scheduled until the School Deliberative Session. Mr. Hantman notes that Plaistow's Deliberative Session is scheduled for this Saturday, January 30, and it is too late for them to change that date, but they could choose to move their voting date out. He states that he has not received a single response to the questions he asked the State back in December. He notes that he finally did get an answer to a question he asked in November, but only after he sent a note to the Governor asking why the Secretary of State would not answer his questions. He received a response in

fifteen (15) minutes. Mr. Hantman expresses his opinion that if the School District chooses not to delay their Deliberative Sessions and voting, they would just have to wait for results until Danville votes.

Shawn expresses his concern with the logistics of delaying the School District vote. He explains that teacher contracts are due by April 15 and there are other NH RSA's regarding education that are not addressed in the Executive Order. Shawn notes his concern with the risks and confusion of changing the Deliberative and voting dates and that his opinion is to keep everything "status quo".

Dottie motions to the use Executive Order #83 to move out the dates for the Town's Deliberative Session in June and the ballot voting in July. She explains that Danville's COVID positivity rate for the last seven (7) days is 17.8%, well above Rockingham County's 8.1%. Mr. Hantman agrees that the current positivity rate is very high. Dottie states it is extremely high, nothing like the spread during the November elections.

Shawn confirms with Steve that there have been zero calls relative to COVID. Dottie notes that not everyone with COVID requires an ambulance. Steve states that those people who have COVID just should not attend the Deliberative Session. He notes that the Fire Dept. staff has been exposed to and tested positive for COVID, have quarantined, followed all the CDC guidelines, and are back on the job. Steve expresses his concern that "we have to run a Town and can't be hiding in a cave because of the potential." He notes that he is in the "high risk" category and is still going out on calls and attending BOS meetings, but is taking precautions. He notes he is also concerned there are "numerous things on the Town Budget that he doesn't think should wait until July." Shawn notes the BOS would be halfway through the year before knowing what the Operating Budget would be. Dottie notes the BOS would have to work within the Default Budget until June/July.

Sheila seconds Dottie's motion to move the dates of the Deliberative Session and ballot voting to the June/July dates.

Mr. Hantman reads from the Executive Order #83 *"The governing body in both calendar year and fiscal year towns or districts may make expenditures between January 1 and the date a budget is adopted which are reasonable in light of prior year's appropriations and expenditures for the same purpose during the same time period."* Shawn notes he would equate that with the Default Budget. Mr. Springer expresses concern that this will not help with any equipment purchases that may be on the ballot. Shawn agrees. Mr. Hantman notes there are not a lot of equipment purchase requests on the Warrant Article this year.

Sheila states that she understands that "life moves on", but that this is a "pandemic and is affecting everyone." She does not see the difficulty moving everything out to June when things might be better. Sheila confirms with Barry that if things changed, the BOS could change the dates to an earlier time. Shawn expresses concern with the Townspeople being "yo-yo's" by continually changing the dates. Dottie notes the law requires a fourteen (14) day notice. Shawn reminds her that the current change does not provide a fourteen (14) day notice. He notes the entire country is opening up. Dottie responds that it is not getting better in Danville. Shawn questions the veracity of the testing results.

Mr. Springer reiterates there are not many requests for equipment purchases on the Warrant Article, but expresses concerns about contracts, votes, and the Town elections. Shawn agrees. Barry suggests the BOS set the new dates tonight, suggesting the Deliberative Session take place on the first Saturday in June and the ballot voting on the second Tuesday in July. Steve states the Fire Dept. gets a list every morning of positive COVID residents so that First Responders are aware if they are called to those addresses. He wants to publicly state that "he thinks it is a joke- that there are people on that list that have not lived in Danville for 3-4 years and people in his department that tested positive were never on the list". Steve states, "You can't believe all the stats". He reiterates there have been no Fire Dept responses for COVID for a few weeks. Dottie states that she has to believe in the State HHS and that information is what she is basing her motion on. She notes that she still would like her motion to move forward. Mr. Springer asks Joshua about the fact that he was appointed to the BOS. Joshua states that he was prepared to be done in March, but understands that Mr. Hantman is saying that he can continue to serve until the elections are held. He notes that he is inclined to vote to extend the dates, despite having plans in place to move on.

Shawn calls the question. Vote is 3- yes (Sheila, Dottie and Joshua) and 2-no (Shawn and Steve). (3-2-0). The motions passes.

Joshua motions to set the new dates. Second by Sheila.

Dottie confirms with Barry that the Deliberative Session will be the first Saturday in June- June 5, and the ballot voting will be the second Tuesday in July- July 13. Mr.Hantman reads from the Executive Order, *"The governing body shall provide notice to voters of the date or dates promptly after making the decision to postpone."* He recommends several ways of posting these changes. Shawn asks if there were changes to other required postings. Mr. Hantman again reads form the Executive Order: *"Any hearings, notices or other actions required to be taken before the annual meeting shall be deemed sufficient if taken the legally required number of days before the postponed session."* Shawn notes that all the work that Kim did over the weekend was "for naught", and thanks her for her service. Mr. Hantman reminds the BOS that they have also extended the deadline for any changes to the Warrant Articles. Shawn asks the BOS to write a Warrant Article to poll the community if the BOS made the proper decision to extend the dates of the Deliberative Session and ballot voting.

See required Vote taken on February 8, 2021, as noted in Board of Selectmen minutes.

**Highway Block Grant:** Steve asks how the Highway Block grant is allocated. Shawn explains it has to be used for Town Highway purposes, but because the Town's Highway budget exceeds the amount of the block grant, the funds are recorded as revenue and used to offset taxes.

**Road Agent Warrant Article:** Steve notes that the BOS has not written a Warrant Article to make the Road Agent position an appointed position rather than an elected one.

**Sapphire Woods:** Steve explains that Sapphire Woods, a new condominium development off Long Pond Rd. has received conditional approval from the Planning Board. The developer has questioned if this development will receive trash pick-up. Sheila asks if it is a private road. Steve notes that it does not matter and gives examples of other private roads that receive trash pick-up. Shawn states that he believes that part of the requirements for all new developments coming through the Planning Board is that they have to handle their own trash pick-up. He explains that issue is addressed by whatever the Planning Board has agreed to on the final approval. Mr. Seaver (Road Agent) asks if the new condominium development would be added as a town road. Steve states that he believes it will be. Mr. Seaver also confirms with Steve that the development will have a HOA (Homeowners Association). Shawn explains that how these issues are addressed are dictated by the application and agreements with the Planning Board.

**Olde Rd.:** Shawn confirms with the BOS that all members had received an update from DES regarding an owner previously address at an earlier meeting. He notes that apparently the owner is still burying solid material. Shawn states that he has responded to Police Chief Parsons update, that the DES is involved and will investigate further.

**Police Dept.:** The BOS has received a recommendation from Police Chief Parsons for the hiring of a part-time police officer. Sheila states that she would prefer to discuss this application in a Non-Public session prior to the BOS discussing it in public. Shawn confirms the appropriate section of NH RSA 91-A and notes the BOS will do this at the end of tonight's meeting.

**Salt Shed Update:** The BOS and Mr. Seaver have received electric wiring quotes for the new Salt Shed from Doug Taylor and revised quotes from Sweet Electric. Mr. Seaver confirms that both sets of quotes will provide electric power to the Salt Shed as well as several outlets so that he can plug in the trucks. The quotes also provide room for the later addition of lights. There is discussion of the quotes, with Steve noting that one of the quotes is \$2000 less than the other and that neither of them provide for any lighting at the Salt Shed. Mr. Seaver confirms the quotes are strictly for a panel and outlets at this time as the lights will cost more money. Sheila expresses her concern about safety at the Salt Shed with no lighting.

Mr. Seaver asks what the dollar limit is for going out to bid. Shawn explains the importance of showing due diligence whatever the bid policy is, noting that he cannot remember the amount. Kim and Steve confirm the policy is that anything over \$5000 must be put out for bid with a preference for three (3) bidders if possible. Mr. Seaver states that he does not need a BOS decision on the electric quotes tonight. Shawn states that both bidders would provide quality work. He cautions that while one bid is much less than the other, the specifications are not the same, and add-ons to the lesser quote could quickly add up. Shawn states that he is comfortable with Mr. Seaver making the final decision, noting that it is his (Mr. Seaver's) Highway budget.

**Septic Inspection Fees/ Health Officer:** Shawn reminds the BOS that several of the Town's inspections fees were far outdated. Kim has provided some samples of septic inspection fees from Atkinson and Sandown. Kim explains that other towns use their hourly employees for inspections. Sheila explains that she was told there are no certifications needed for a Health Officer. She has spoken to a retired Health Officer from Exeter who may be interested in working for Danville, but this person would not be able to conduct septic inspections because that requires a separate certification. Shawn states he believes that until the BOS realign the Town's inspection fees and payment structure he does not feel they (the BOS) will get any applications. He asks the BOS for a volunteer to write a fee/payment structure proposal for the BOS to review. Joshua asks for the details of the research involved. Shawn explains it would require asking surrounding towns on how they base the costs of their fees and what they are paying for inspections. He reiterates the need for the BOS to determine what would be a realistic fee/payment structure for inspectors. Steve notes that 95% of a Health Officer's work is inspecting septic systems and the Town needs someone who is competent in that area. Sheila reiterates they must also be certified to do septic inspections. Steve notes that all septic installers must be licensed. Sheila explains again that the inspectors themselves must be certified by the State. Joshua volunteers to work up a proposal and asks for a timeline. Shawn notes that with the dates now pushed out, that Joshua has some time to work up his proposal.

**Auditing RFP:** The deadline for bids on the Auditing RFP was January 11, 2021. The BOS has received only one bid, from Plodzick and Sanderson, PA, 193 No. Main St. Concord, NH 03301. The proposal was separated into a Technical Proposal and Audit Services and a separate Cost Proposal for Auditing Services. The bid was for \$16,250 for 2021 and 2022. Dottie confirms that the Town had used this company several years ago. Shawn notes the BOS had also received a letter from Robert A. Green, CPA, stating that they would not be bidding on the RFP. Shawn asks for time for the BOS to review the bid and asks to add it to the February 8 meeting agenda.

**Selectmen's Message Update:** Shawn notes that he is fine with Dottie's proposed Selectmen's Message for the 2020 Town Report. Sheila notes that she would like to add two more names. Shawn states that he does not want to debate adding text to the message. He asks Sheila and Dottie to get together and write a final draft to re-submit to the BOS for review. Kim confirms the deadline/timeline for the Town Report has also changed with the changed dates.

**FY2021 Default Budget:** Shawn explains that he has updated some numbers on several lines of the previously approved Default Budget. He asks the BOS to review his updates for the February 8 meeting, noting that he will explain his changes then. He asks that Sheila also be prepared to explain how she figured her numbers for those lines in the Default Budget.

**Signature File:** Shawn notes they have received the annual Mosquito permit. He explains the BOS must apply to the State through Dragon (the mosquito control vendor) and asks for a motion to sign the paperwork on behalf of the BOS. Sheila makes that motion. Second by Dottie. Vote is unanimous (5-0).

**Minutes:** The BOS review the minutes from the January 11, 2021 BOS public meeting. Shawn asks Mr. Seaver for an update to Kimball Terrace as referenced in the minutes. Mr. Seaver explains that is why he has sat through the meeting. Shawn explains to Mr. Seaver that in the future, he (Mr. Seaver) can address the BOS earlier in the meeting. Mr. Seaver updates the BOS noting that he met with Dennis Quinlan (Town Engineer). They did a site walk and have come up with a plan. Mr. Quinlan will submit that plan (not a sketch) to the State and they will wait for a response.

Mr. Seaver also updates the BOS on other Highway Dept. issues. He explains that he has met with Lewis Builders regarding the “new” part of Caleb Way and Ward’s Way that they want to finish up. Mr. Seaver explains that a section of Wards Way and Caleb is “beat up” and Lewis Builders have agreed to grind it, lay down a good base, top it and top Ward’s Way so the area will be a good road again. Steve confirms that Lewis Builders will be paying for this roadwork. Mr. Seaver explains that they will and this is part of the work required in order for the Town to release the remaining road bond on the project.

Mr. Seaver also informs the BOS the “new” Mac truck purchased from the Vermont dealer is now part of the Highway Dept. fleet. It is all set and ready to go for the next snowstorm.

Dottie motions to approve the minutes for the January 11, 2021 BOS public meeting as written. Second by Sheila. Vote is unanimous (5-0).


**Non-Public Minutes:** The BOS review the minutes from the January 11, 2021 Non-Public session. Dottie motions to approve the minutes of the January 11, 2021 Non-Public session as written. Second by Sheila. Vote is unanimous (5-0).

Shawn notes the dates for the Deliberative Session are no longer correct on the town announcements. The next BOS meeting will be February 8 at 7:00 at the Town Hall.

Sheila reminds the BOS that they have received a letter from Patty Sarcione regarding Library funds that have been returned to the Town to be put into the General Fund. Dottie asks if any other department has also returned any funds. Kim states that she has not been notified of any other money returned. Shawn explains that he wanted to acknowledge that the Library has returned \$19,965.75 to the voters. He notes this is not something the Library normally does and that it has been a “big bone of contention in the community.” Steve expresses concern that the Fire Dept. returns any “leftover money” to the Town every year. Shawn explains that under State law, the Library functions as its own entity. The Town sends the approved payments to the Library, but they normally do not return any unused funds, that money is kept by the Library. Shawn notes that these returned monies will be treated as “unanticipated funds” and will be used to reduce the tax rate next fall. He reiterates that he wants to acknowledge the Library for taking that action.

### **III. Town Announcements**

#### **Calendar**

 **February 8 (Monday)**- BOS meeting at 7:00PM at the Town Hall

There being no further items to discuss. Sheila motions to go into Non-Public session under NH RSA 91-A 3:II(c). Second by Dottie. Roll Call Vote: Shawn-yes, Steve-yes, Sheila-yes, Dottie-yes, Joshua-yes. Shawn states the BOS will adjourn after the Non-Public session.

The Non-Public session begins at 8:20PM

Minutes derived by video provided on the Town of Danville website.

Respectfully Submitted  
Deborah A. Christie